


TFW

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on June 16, 2004.

INFORMATION DISCLOSURE
STATEMENT
Patent Application
Docket No. MA-43CDF2D4
Serial No. 10/825,751


Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jewel Payne, August J. Sick
Serial No. : 10/825,751
Filed : April 16, 2004
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests,
and Genes Encoding Novel Lepidopteran-Active Toxins

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

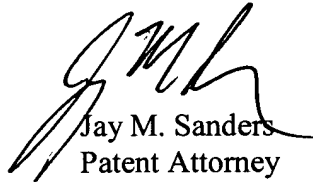
In accordance with 37 CFR §1.97 and §1.98, the applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Pursuant to 37 CFR §1.98(d), copies of the references cited on the attached Forms PTO/SB/08A and PTO/SB/08B are not provided herewith because copies of these references were submitted to the Office in prior U.S. Patent Application Serial No. 09/837,961 (filed April 19, 2001). Under 35 USC §120, the subject application (Serial No. 10/825,751) relies upon Serial No. 09/837,961 for an earlier filing date.

It is respectfully requested that the references listed on the attached Form PTO-1449 be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements.

Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders
Patent Attorney

Registration No. 39,355

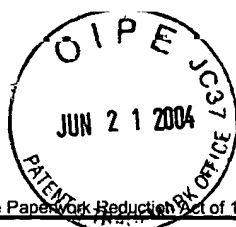
Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

JMS/ehm

Attachments: Forms PTO/SB/08A and PTO/SB/08B



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/825,751
Filing Date	April 16, 2004
First Named Inventor	Jewel Payne
Art Unit	
Examiner Name	
Attorney Docket Number	MA-43CDF2D4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 5,126,133	06-30-1992	Payne et al.	(Please review all)
	2	US- 5,164,180	11-17-1992	Payne et al.	(Please review all)
	3	US- 5,188,960	02-23-1993	Payne et al.	(Please review all)
	4	US- 5,206,166	04-27-1993	Payne et al.	(Please review all)
	5	US- 5,246,852	09-21-1993	Payne et al.	(Please review all)
	6	US- 5,407,825	04-18-1995	Payne et al.	(Please review all)
	7	US- 5,691,308	11-25-1997	Payne et al.	(Please review all)
	8	US- 6,096,708	08-01-2000	Payne et al.	(Please review all)
	9	US- 08/087,388	(none)	Gawron-Burke et al.	(Please review all)
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

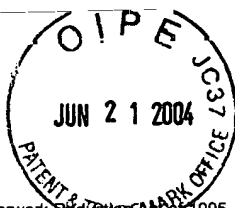
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	10	AU-0632335	05-07-1993	Payne et al.	Pls review all	
	11	EP-0 400 246	05-12-1990	Van Malleart	Pls review all	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/825,751
Filing Date	April 16, 2004
First Named Inventor	Jewel Payne
Art Unit	
Examiner Name	
Attorney Docket Number	MA-43CDF2D4

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	12	CHAMBERS et al., "Isolation and Characterization of a Novel Insecticidal Crystal Protein Gene from...", Journal of Bacteriology, 1991, pp. 3966-3976, Vol. 173, Issue 13	
	13	HOFTE et al., "Nucleotide sequence and deduced amino acid sequence of a new Lepidoptera-specific crystal protein gene...", Nucleic Acids Research, 1990, p. 5545, Vol. 18	
	14	HONÉE et al., "Nucleotide sequence of crystal protein gene isolated from B. thuringiensis subspecies entomocidus...", Nucleic Acids Research (1988), p. 6240, Vol. 16, Issue 13	
	15	SANCHIS et al., "Nucleotide sequence and analysis of the N-terminal coding region of the Spodoptera-active...", Molecular Microbiology, 1989, pp. 229-238, Vol. 3, Issue 2	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.